

Obama Urged to Fire DNI Clapper

Last March before Edward Snowden revealed the NSA's sweeping collection of phone and other data Director of National Intelligence James Clapper said no such operation existed. Now, a group of ex-national security officials urge President Obama to fire Clapper.

MEMORANDUM FOR: The President

FROM: Veteran Intelligence Professionals for Sanity (VIPS)

SUBJECT: Fire James Clapper

We wish to endorse the call by Rep. James Sensenbrenner Jr., Chair of the Subcommittee on Crime, Terrorism, and Homeland Security, Committee on the Judiciary, that Director of National Intelligence James Clapper should be removed and prosecuted for lying to Congress. "Lying to Congress is a federal offense, and Clapper ought to be fired and prosecuted for it," the Wisconsin Republican said in an interview with The Hill. "The only way laws are effective is if they're enforced."

Sensenbrenner added, "If it's a criminal offense, and I believe Mr. Clapper has committed a criminal offense, then the Justice Department ought to do its job."

This brief Memorandum is to inform you that we agree that no intelligence director should be able to deceive Congress and suffer no consequences. No democracy that condones such deceit at the hands of powerful, secretive intelligence directors can long endure.

It seems clear that you can expect no help from Sen. Dianne Feinstein, chair of the Senate Intelligence Committee, to which Clapper has apologized for giving "clearly erroneous" testimony, and who, at the height of the controversy over his credibility, defended him as a "direct and honest" person.

You must be well aware that few amendments to the U.S. Constitution are as clear as the fourth:

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

Even the cleverest lawyers cannot square with the Fourth Amendment many of the NSA activities that Clapper and Feinstein have defended, winked at, or lied

about.

Only you can get rid of James Clapper. We suspect that a certain awkwardness – and perhaps also a misguided sense of loyalty to a colleague – militate against your senior staff giving you an unvarnished critique of how badly you have been served by Clapper. And so we decided to give you a candid reminder from us former intelligence and national security officials with a total of hundreds of years of experience, much of it at senior levels, in the hope you will find it helpful.

Statements by DNI Clapper re Eavesdropping on Americans

March 12, 2013

Sen. Ron Wyden: “Does the NSA collect any type of data at all on millions or hundreds of millions of Americans?”

Clapper: “No, Sir.”

Wyden: “It does not?”

Clapper: “Not wittingly. There are cases where they could inadvertently, perhaps, collect but not, not wittingly.”

(7-minute segment of Clapper testimony; link below)

<http://www.youtube.com/watch?v=QwiUVUJmGjs>

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June 6, 2013

In a telephone interview with Michael Hirsh of the National Journal:

Clapper: “What I said [to the Senate Intelligence Committee on March 12] was, the NSA does not voyeuristically pore through U.S. citizens’ e-mails. I stand by that.”

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June 8, 2013

Excerpt of interview with NBC’s Andrea Mitchell:

Mitchell: “Senator Wyden made quite a lot out of your exchange with him last March during the hearings. Can you explain what you meant when you said that there was not data collection on millions of Americans?”

Clapper: “... in retrospect, I was asked ‘When are you going to start– stop

beating your wife' kind of question, which is meaning not – answerable necessarily by a simple yes or no. So I responded in what I thought was the most truthful, or least untruthful manner by saying No. ...

“And this has to do with of course somewhat of a semantic, perhaps some would say too too cute by half. But it is – there are honest differences on the semantics of what when someone says ‘collection’ to me, that has a specific meaning, which may have a different meaning to him.”

(See link below to full NBC transcript)

<http://www.nbcuni.com/corporate/newsroom/nbc-news-exclusive-transcript-of-andrea-mitchells-interview-with-director-of-national-intelligence-james-clapper/>

(Full video 27 min.) <http://www.nbcnews.com/video/nightly-news/52158136> (27 min.)

(Most relevant segment) <http://www.youtube.com/watch?v=ZbZt1zLQ11E>

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June 9, 2013

Sen. Dianne Feinstein, chair of Senate Intelligence Committee on “This Week” with George Stephanopoulos (after he showed video of Clapper testimony on March 12, 2013, denying that NSA collects “any type of data” on Americans):

Stephanopoulos: “Senator Feinstein, I have to confess, I have a hard time squaring that answer with what we learned [from the Snowden disclosures] this week.”

Feinstein: “Well, I think this is very hard. There is no more direct or honest person than Jim Clapper. ... You can misunderstand the question.”

<http://abcnews.go.com/Politics/week-transcript-sen-dianne-feinstein-rep-mike-rogers/story?id=19343314&page=4>

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June 11, 2013

Sen. Ron Wyden issued the following statement regarding statements made by Clapper about collection on Americans:

“One of the most important responsibilities a Senator has is oversight of the intelligence community. This job cannot be done responsibly if Senators aren’t getting straight answers to direct questions.

"When NSA Director Alexander failed to clarify previous public statements about domestic surveillance, it was necessary to put the question to the Director of National Intelligence. So that he would be prepared to answer [in his testimony on March 12], I sent the question to Director Clapper's office a day in advance.

"After the hearing was over my staff and I gave his office a chance to amend his answer. Now public hearings are needed to address the recent disclosures and the American people have the right to expect straight answers from the intelligence leadership to the questions asked by their representatives."

<http://www.wyden.senate.gov/news/press-releases/wyden-statement-responding-to-director-clappers-statements-about-collection-on-americans>

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July 2, 2013

Clapper sends a letter to Senate Intelligence Committee Chair Dianne Feinstein, in which he refers to his March 12 testimony denying that NSA collects "any type of data at all on millions or hundreds of millions of Americans."

Clapper: "My response was clearly erroneous for which I apologize."

A spokesman for Wyden, Tom Caiazza, said that a staff member in the Senator's office had asked Clapper to correct the public record after the March hearing, which he "refused" to do. Caiazza explained:

"Senator Wyden had a staff member contact the Office of the Director of National Intelligence on a secure phone line soon after the March hearing to address the inaccurate statement regarding bulk collection on Americans.

"The ODNI acknowledged that the statement was inaccurate but refused to correct the public record when given the opportunity. Senator Wyden's staff informed the ODNI that this was a serious concern. Senator Wyden is deeply troubled by a number of misleading statements senior officials have made about domestic surveillance in the past several years."

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Mr. President, are you not also troubled by those misleading statements? We strongly believe you must fire Jim Clapper for his lies to the Congress and the American people and that you must appoint someone who will tell the truth.

For the Steering Group, Veteran Intelligence Professionals for Sanity

Coleen Rowley, retired FBI agent and former Minneapolis Division legal counsel

Daniel Ellsberg, former State and Defense Department official

Ray McGovern, retired CIA analyst

David MacMichael, Ph.D., former senior estimates officer, National Intelligence Council

Todd Pierce, MAJ, U.S. Army, Judge Advocate (ret.), Military Commissions Defense Counsel

Thomas Drake, Senior Executive, NSA (former)

William Binney, former technical director at NSA

Larry Johnson, CIA and State Department (ret.)

Elizabeth Murray, former Deputy NIO for the Near East, National Intelligence Council (ret.)

Philip Giraldi, CIA, Operations Officer (ret.)

Ann Wright, Retired US Army Reserve Colonel and former US Diplomat
